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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,026	11/25/2003	Frank Michael Scholz	2003P04682 US01	6521

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Siemens Corporation
Intellectual Property Department
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EXAMINER	
DESIR, PIERRE LOUIS	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/722,026	SCHOLZ, FRANK MICHAEL	
	Examiner	Art Unit	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 November 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *May 09, 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because fig. 1 is not clear. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-9, 11, 16-17, 19, 21, 23-28, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikonen et al. (Ikonen), Pub. No. US 20020077075.

Regarding claim 1, Ikonen discloses a method of locating a mobile communication device (see page 1, paragraph 9), whereby an emergency call routine is activated (initiation of an emergency call procedure) (see paragraph 10), comprising the steps of: detecting, at the location of the mobile communication device, at least one accessible communications network out of a

plurality of communications networks wherein at least one of said plurality of communications networks is an emergency network (i.e., initiating the origination of an emergency call; determining, in the mobile station, position information that is descriptive of a current position of the mobile station; as a part of an emergency call procedure, transmitting the determined position information to the wireless network. Thus, by transmitting the determined position information to the wireless network, the network has been inherently detected and selected. Also, as known in the art, when the user initiate an emergency procedure, the user inherently initiates a communication procedure (directly or through a cellular or wireless network) with an emergency call (or response) center or an emergency network) (see page 1, paragraph 10); selecting one of said at least one accessible communications network (i.e., transmitting the determined position information to the wireless network (inherently select the wireless network)) (see page 1, paragraph 10); and sending an emergency signal over the selected network (i.e., mobile station has originated an emergency call on a control channel) (see page 1, paragraph 10, and 2, paragraph 30).

Regarding claims 3 and 23, Ikonen discloses a method wherein at least one of said at least one accessible communications network is a cellular (communications) network (i.e., wireless network) (see page 1, paragraph 9).

Regarding claims 4 and 24, Ikonen discloses a method wherein the emergency call routine comprises the identification of the mobile communication device (i.e., identification of the mobile station) (see page 1, paragraph 9).

Regarding claims 5 and 25, Ikonen discloses a method further comprising establishing a speech connection over one of said at least one accessible communications network (i.e., the determined position can be transmitted using a voice channel) (see page 1, paragraph 9).

Regarding claims 6 and 26, Ikonen discloses a method, wherein the emergency call routine is activated remotely (i.e., the emergency call can be initiated either in response to input from a user or automatically based on some condition or conditions being fulfilled) (see page 2, paragraph 30).

Regarding claim 7, Ikonen discloses a method (see claim 1 rejection) detecting comprises: attempting to contact a cellular network (i.e., initiating the origination of an emergency call. The user of the device, by pressing an appropriate number to initiate the call, inherently attempt to contact a cellular network) (see page 1, paragraph 10); determining, based on said attempt to contact a cellular network, whether said cellular network is a said at least one accessible communications network (i.e., transmitting the position information to the wireless network represents the inherent step of determining the accessibility of the network) (see page 1 paragraph 10); and if said cellular network is a said at least one accessible communications network, attempting to contact to said emergency network (i.e., the mobile station originates an E911 emergency call, and the NSP assigns a DTC for the E911 call, wherein the mobile station starts the E911 call on the assigned DTC (inherent step of attempting to contact the emergency network)) (see page 3, paragraph 39).

Regarding claim 8, Ikonen discloses a mobile communication device (i.e., mobile station) for initiating an emergency call routine (see page 1, paragraph 9), comprising: a module for detecting at least one accessible communications network out of a plurality of communications

networks (i.e., the mobile station includes circuitry for initiating the origination of an emergency call and for determining position information that is descriptive of a current position of the mobile station. Thus, the module inherently detect and select the communication network) (see page 1 paragraph 9); a module for selecting one of said at least one accessible communications network (see page 1 paragraph 9); and a module for sending an emergency signal over the selected network (i.e., the mobile station further includes circuitry for transmitting, as a part of the emergency call, the determined position information to the wireless network using any available type of channel) (see page 1 paragraph 9).

Regarding claims 9 and 28, Ikonen discloses a device (see claim 8 rejection. Also reref to claim 21 and 27 rejections) wherein said module for sending an emergency signal comprises at least two radio modules (i.e., circuitry to initiate, and circuitry to transmit) (see page 1, paragraph 9), one of said radio modules being manually or automatically activable (i.e., the emergency call can be initiated either in response to input from a user or automatically based on some condition or conditions being fulfilled) (see page 2, paragraph 30).

Regarding claims 11, 17, and 30, Ikonen discloses a device and a method wherein the mobile communication device is a cell phone (i.e., mobile station) (see page 2, paragraph 20).

Regarding claim 16, Ikonen discloses a method of obtaining emergency help (see page 1, paragraph 9), comprising the steps of: activating an emergency module in a mobile communication device (initiating the origination of an emergency call) (see page 1, paragraph 9); determining whether a connection to a first network is available (i.e., transmitting using any available channel) (see paragraph 9); broadcasting a distress signal over an emergency network if the first network is not available (i.e., transmitting using any available channel. Also, when the

user initiate an emergency procedure, the user inherently initiates a communication procedure with an emergency call (or response) center or an emergency network); and initiating a speech connection over the emergency network if the first network is available (i.e., the determined position can be transmitted using a voice channel) (see page 1, paragraph 9).

Regarding claim 19, Ikonen discloses a method (see claim 16 rejection) wherein the step of activating an emergency module in a mobile communication device is initiated remotely from the mobile communication device (i.e., the emergency call can be initiated either in response to input from a user or automatically based on some condition or conditions being fulfilled) (see page 2, paragraph 30).

Regarding claim 21, Ikonen discloses a method for locating a mobile communication device (see page 1, paragraph 9), whereby an emergency call routine is activated (initiation of an emergency call procedure) (see paragraphs 9-10), by which the following steps are performed: detecting at least one available communications network at the location of the mobile communication device (i.e., initiating the origination of an emergency call; determining, in the mobile station, position information that is descriptive of a current position of the mobile station; as a part of an emergency call procedure, transmitting the determined position information to the wireless network. Thus, by transmitting the determined position information to the wireless network, the network has been inherently detected and selected. Also, as known in the art, when the user initiate an emergency procedure, the user inherently initiates a communication procedure (directly or through a cellular or wireless network) with an emergency call (or response) center or an emergency network) (see page 1, paragraph 10); in case that more than one communications network exists, selecting one of the communications networks (i.e.,

transmitting the determined position information to the wireless network (inherently select the wireless network)) (see page 1, paragraph 10); in case that only one communications network is available selecting this communications network (see page 1, paragraph 10); and sending an emergency signal over the selected network (see page 1, paragraph 10, and 2, paragraph 30).

Regarding claim 27, Ikonen discloses a communication device (i.e., mobile station) (see paragraph 9) for performing the method as disclosed in claim 21 (see claim 21 rejection)

Regarding claim 31, Ikonen discloses a communications system comprising a communication device according to claim 27 (see abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikonen in view of Chen, U.S. Patent No. 6141558.

Ikonen discloses a method as described above (see claim 1 rejection).

Although Ikonen discloses a method as described above, Ikonen does not specifically disclose a method wherein at least one of the at least one accessible communications network comprises a mobile transceiver or transponder station that further transmits the emergency signal.

However, Chen discloses a mobile BTS mounted on an emergency response vehicle (or an emergency location transmitter as related to claim 18) (see figs. 1-2, and col. 3, lines 31-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both arts to arrive at the claimed invention. A motivation for doing so would have been to ensure the correct location of the mobile terminal that initiates the emergency procedure.

6. Claims 10, 20, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikonen in view of Ayoub et al. (Ayoub), U.S. Patent No. 6477363.

Ikonen discloses a device as described above (see claim 8 rejection. Also refer to claim 21 and 27 rejections).

Although Ikonen discloses a device as described above, Ikonen does not specifically disclose a device further comprising a button for initiating said emergency call routine.

However, Ayoub discloses a device further comprising a button (being pressed) for initiating said emergency call routine (i.e., panic button) (see col. 4, lines 15-19).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to provide to a user the added advantage and simplicity of using a single dedicated button to initiate an emergency procedure.

7. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikonen in view of Sheffer et al. (Sheffer), U.S. Patent No. 5844522.

Regarding claim 12, Ikonen discloses a method of initiating an emergency response (page 1 paragraph 9), comprising the steps of: connecting to an emergency call initiated by a mobile communication device over a first network (i.e., initiating the origination of an emergency call and transmitting the determined position information to the wireless network) (see page 1, paragraph 10); obtaining information related to the user of the mobile communication device including the location of the user (determining, in the mobile station, position information that is descriptive of a current position of the mobile station) (see page 1, paragraphs 9-10); and contacting an emergency entity (i.e., the mobile station transitions to the assigned DTC to make the E911 call to the emergency response center) (see page 3, paragraph 30) and forwarding the localization information (i.e., the position information may be sent to the ERC) (see page 2, paragraph 24).

Although Ikonen discloses a method as described, Ikonen does not specifically disclose a method comprising the steps of determining whether additional localization information is needed; utilizing a second network, wherein the second network is an emergency network, to communicate the additional localization information if it is determined that the additional localization information is needed.

However, Sheffer discloses a method comprising determining whether additional localization information is needed (i.e., providing accurate determination of an area in which the cellular call originates. Thus, this process inherently contains the determination of whether additional information is needed) (see col. 21, lines 31-32); utilizing a second network, wherein the second network is an emergency network, to communicate the additional localization

information if it is determined that the additional localization information is needed (i.e., Sheffer discloses a method comprising using an existing wireless communication network to locate the position of an active phone or transceiver unit, transmission of updated position information (additional location information)) (see abstract, and col. 20, lines 15-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to strengthen the accuracy of the received location information.

Regarding claim 13, Ikonen discloses a method (see claim 12) wherein the first network is a cellular communications network (i.e., wireless network) (see page 1, paragraph 9).

Regarding claim 14, Ikonen discloses a method (see claim 12) comprises sending an activation signal (initiating the origination of an emergency call) (see page 1, paragraph 9).

Regarding claim 15, Ikonen discloses a method (see claim 12) wherein a second network is a network that receives an emergency signal from the mobile communication device (i.e., coupled to the PSTN is at least one emergency response center (ERC) that can be reached from the MS by dialing an emergency number, such as 911) (see paragraph 22).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
AU 2681
08/05/2005

JEAN GELIN
PRIMARY EXAMINER